

PROPOSED DEVELOPMENT CONDITIONS

SE 2014-DR-043

December 17, 2014

If it is the intent of the Board of Supervisors to approve SE 2014-DR-043 located at 1470 Ingleside Avenue [Tax Map 30-2 ((7)) (1) 8] for an office use in an existing single-family detached dwelling and waivers and modifications in a Commercial Revitalization District (CRD) pursuant to Sects. 3-304 and 9-622 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These conditions incorporate and supersede all previous conditions.

1. This approval is granted to Mark Dennis McFadden, Trustee, and Lynne Marian McFadden, Trustee (the "Applicants"), and is not transferable, other than to an entity the Applicants solely own or control, without further action of this Board, and is for the location indicated on the Application (as defined below), 1470 Ingleside Avenue, McLean, Virginia (the "Property").
2. This Special Exception is granted only for the purpose(s), structure(s) and or use(s) indicated on the special exception plat prepared by Harold A. Logan Associates, P.C. dated April 30, 2008, as revised through November 11, 2008 (the "SE Plat"), which shall be limited to a non-franchised, satellite real estate office. The Applicants will strictly comply with the purpose and use of the Property shown on the SE Plat and be limited to all provisions of the written Statement of Proposed Use contained within the Application for Special Exception, dated May 23, 2014 (the "Application"). The Applicants shall abide by applicable laws and ordinances at all times, including, but not limited to, Fairfax County zoning regulations.
3. A copy of this Special Exception and the Non-Residential Use Permit (Non-RUP) shall be posted in a conspicuous place on the property of the use and made available to all Fairfax County departments during the hours of operation of the permitted use.
4. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in general conformance with the approved Special Exception Plat, prepared by Harold A. Logan Associates, P.C. and dated April 30, 2008, as revised through November 11, 2008.
5. This Special Exception shall remain valid for ten years from the date of issuance of a Non-RUP. Extensions beyond that time may be granted by the Zoning Administrator for five-year increments. Any request for such extension shall be submitted by the applicants to the Zoning Administrator in writing, no later than thirty days prior to the

expiration date of the Special Exception. Based upon an inspection of the Special Exception use and a review of the applicant's record of compliance with conditions and restrictions imposed by the Board in this approval, the Zoning Administrator shall make a determination on whether the Special Exception use still satisfies the provisions of the Zoning Ordinance, including the conditions of this Special Exception. Upon a favorable finding, the Zoning Administrator shall approve the extension of the Special Exception. If it is determined that the use is not in compliance with all conditions and restrictions imposed by the Board of Supervisors, the Zoning Administrator shall take immediate action per the provisions of Paragraph 4 of Sect. 9-012 of the Zoning Ordinance, which may include a determination that results in the expiration of the Special Exception.

6. The Property shall be maintained and kept free of debris and litter at all times. Routine maintenance shall include, but not be limited to, exterior structure and landscaping upkeep.
7. All parking shall be on site and shall be provided as depicted on the SE Plat within 30 days of issuance of the Non-RUP. No additional paved area(s) shall be added to the Property beyond the outlined dimensions of Exhibit A. Parking for the site shall only occur on the driveway, up to three (3) cars maximum.
8. Lighting shall be provided pursuant to existing light fixtures or replacements thereof that are consistent with the style of a residential structure. No additional lighting shall be permitted on the subject site except for low-impact lighting for the parking area.
9. The regular hours of operation for the office shall be limited to 10:00 a.m. to 6:00 p.m., Monday through Friday. The property shall not be occupied on a regular basis by more than two (2) employees at any time.
10. One sign no greater than 1.5 square feet of surface area shall be permitted on the subject site and shall be residential in design style and character. The sign shall not be lighted.
11. An additional seven (7) feet of right-of-way along Ingleside Avenue shall be dedicated and conveyed in fee simple to the Board of Supervisors upon demand by Fairfax County.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit (Non-RUP) through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, thirty (30) months after the date of approval unless a new (Non-RUP) has been issued to reflect this special exception amendment. The Board of

Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the Special Exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.